Government of the District of Columbia

OFFICE OF THE CORPORA"tION COUNSEL
DISTRICT BUILDING
WASHINGTON. D. C. 20004

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April 19, 1977

Mr. Donald H. Shannon
Chairman, Advisory Neighborhood
Commission 3A
1215 28th Street, N.W.
Washington, D.C. 20007

Dear Mr. Shannon:

This is in response to your letter of March 7, 1977, requesting the opinion of this Office as to whether funds allocated to your Advisory Neighborhood Commission ("ANC") by the District Government may be used to finance litigation, the outcome of which is of interest to your ANC.

Section 738(c) of the D.C. Self-Goyernrnent and Governmental Reorganization_Act (P.L. 93-198) provides that each ANC:

> (1) may advise the District government on matters of pUblic policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;
>
> (2) may employ staff and expend for public purposes within its.neighborhood council area, public funds and other funds donated to it; and
>
> (3) shall have such other powers and duties as may be provided by act of the Council. (Emphasis added.)

To implement the above provisions, the Council of the District of Columbia enacted D.C. Law 1-58, 22 D.C. Reg. 5454 (1976) which specifically limits, in section 13(k), the types of programs which an ANC may undertake by providing in pertinent part:

> (k) Other than neighborhood or community enhancement campaigns, Commissions may operate programs only in conjunction with existing governmental activities - - - - (Emphasis added.)

The intent of the Council in limiting the scope of ANC operational activity is amplified at p. 12 of Report #1 on Bill 1-193 (which became D.C. Law 1-58) of the Council's Special Committee on Advisory Neighborhood Conullissions:

> [T]he function of the Commission [is] to advise the City government as to the local community's view of a certain matter, not to be an operational element. To the extent that a Commission concerns itself with methods of raising or developing community well being, their activities are encouraged. However, it is the Committee's view that we should not at this juncture of the experiment have the Commission engaged in activities inconsistent with their [sic] mandate. (Emphasis added.)

Accordingly, section 13(g) of D.C. Law 1-58, prohibits the ANCs from initiating litigation. Moreover, this section recently was interpreted by the Superior Court of the District of Columbia, in a ruling urged by this Office, also to preclude the appearance of ANCsas Amicus Curiae in litigation filed by other parties. American University Park Citizens Association, et al. v. Burka (C.A. No. 11437, Mar. 28, 1977.) See also D.C. Code, § 1-301. Therefore, an ANC may not expend the funds allocated to it to finance litigation.

Sincerely yours,

John R. Risher, Jr.

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